

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tou et al.

Art Unit: 1712

Serial No. 09/851,983

Examiner: To Be Assigned

Filed: May 9, 2001

Atty. Docket: 0261-0008

For: Top Coating Composition

RECEIVED

MAR 11 2002

U.S. PATENT &amp; TRADEMARK OFFICE

## PETITION FOR CORRECTION OF THE FILING DATE UNDER 37 CFR 1.181

Honorable Commissioner of  
 Patents and Trademarks  
 Washington, D.C. 20231

BOX PETITION

Sir:

Applicants hereby request that the filing date of the above-identified application be corrected from May 10, 2001 to May 9, 2001 by the filing of this Petition and fee payment.

The petition fee (37 C.F.R. § 1.17) is believed to be \$200.00. Fee payment is provided in our accompanying check No. 12582. However, if the petition under 37 CFR 1.181 requires fees other than those provided herewith, the Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0622. A duplicate copy of this Petition is enclosed.

## REMARKS

Applicants filed a patent application for the above-identified case on May 9, 2001 with a check for a necessary fee.

Upon receipt of an Official Filing Receipt showing an error in the filing date, Applicants requested on July 25, 2001 to correct the error from May 10, 2001 to May 9, 2001. Also, Applicants requested that a corrected Official Filing Receipt be issued and sent to the Applicant's representative. A copy of the July 25, 2001 Request is attached as Exhibit A. However, Applicants have not had a response from the Patent and Trademark Office as to that request.

Applicant's Date: 05/21/2002 AXELLEY  
 50-0622 NUMBER 00000047 09851983  
 -200.00 CP

05/21/2002 AXELLEY 00000047 09851983  
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 -200.00 CP

Applicants hereby file a petition to correct the filing date and to issue a corrected Official Filing Receipt to the Applicants' representative.

In support of the above request, a photocopy of the check for filing this application (Check No. 11274; Exhibit B) and a Declaration signed by Applicants' representative, Joseph G. Contrera are enclosed.

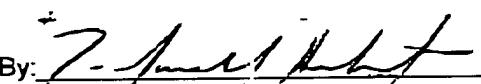
This firm has recently noticed a rise in the number of documents lost in the Patent and Trademark Office. Specifically there seems to be an increase in documents getting separated and lost from the mailroom during the period of the spring and summer of 2001. This loss of documents has necessitated repetition of filings and petitions in a number of cases for this client as well as other clients.

The problem in this case is more difficult due to the lack of stamped postcard. See Declaration of Mr. Joseph G. Contrera. Our courier was not given a return stamped postcard by the window person and the second filed postcard was not received in this firm.

As discussed above and shown by the enclosed evidences, the application was filed on May 9, 2001.

It is therefore respectfully requested that the error of the filing date be corrected, and a corrected official filing receipt be issued and officially entered into the case, which reflects the correction of all the above-noted error. It is further requested that the corrected Official Filing Receipt be sent to the undersigned at the earliest possible time.

Respectfully submitted,  
SHANKS & HERBERT

By:   
Toni-Junell Herbert  
Reg. No.: 34 348

Enclosure

Date: 3/5/02

TransPotomac Plaza  
1033 N. Fairfax Street  
Suite 306  
Alexandria, VA 22314

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tou et al.

Art Unit: 1712

Serial No. 09/851,983

Examiner: To Be Assigned

Filed: May 9, 2001

Atty. Docket: 0261-0008

For: Top Coating Composition

## DECLARATION UNDER 37 CFR 1.68

1  
Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

MAR 11 2002

Sir:

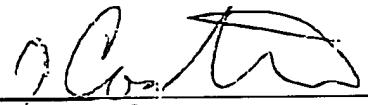
I, Joseph G. Contrera, as Applicants' representative, hereby declare that I signed and dated the transmittal letter of the above-identified application on May 9, 2001, and gave it with other application papers to our courier on this date for filings on May 9, 2001.

I recall the time of the courier departure to be approximately 5:00 p.m. This courier has always been extremely reliable and diligent in his filings.

When our courier delivered the application documents, he was apparently not given a stamped postcard by a window person in the Patent and Trademark office. Nor was a stamped postcard returned to this office.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,  
SHANKS & HERBERT

By: 

Joseph G. Contrera  
Reg. No.: 44,628

Date: 3/5/02

TransPotomac Plaza  
1033 N. Fairfax Street  
Suite 306  
Alexandria, VA 22314  
(703)683-3600

*Exhibit A*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Toui et al.

Art Unit: 1712

Serial No. 09/851,983

Examiner: To Be Assigned

Filed: May 9, 2001

Atty. Docket: 0261-0008

For: Top Coating Composition

## REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

*RECEIVED*

MAR 11 2002

Sir:

*RECORDED*

Applicant(s) hereby request(s) that a corrected Official Filing Receipt be issued and sent to the undersigned representative.

Specifically, it is noted that the following are incorrect on the present Official Filing Receipt:

1. The Filing Date is incorrect

In support of the above request, a photocopy of the instant Official Filing Receipt is enclosed with the corrections noted in red.

It is therefore respectfully requested that a corrected Official Filing Receipt is issued and officially entered into the case, which reflects the correction of all the above-noted error(s). It is further requested that the corrected Official Filing Receipt be sent to the undersigned at the earliest possible time.

Respectfully submitted,

SHANKS & HERBERT

By:

  
Toni-Juhell Herbert  
Reg. No.: 34,348

Enclosure

Date: 3/25/01

TransPotomac Plaza  
1033 N. Fairfax Street  
Suite 306  
Alexandria, VA 22314



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20331  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE RECD	ATTY/DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/851,983	05/10/2001	1712	710			7	1

05/09/2001

CONFIRMATION NO. 4118

## FILING RECEIPT



"00000000006221348"

Shanks & Herbert  
TransPotomac Plaza  
1033 N. Fairfax Street, Suite 306  
Alexandria, VA 22314

Date Mailed: 06/25/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Teruzo Toui, Residence Not Provided;  
Hisaki Tanabe, Residence Not Provided;  
Nobuhisa Sudo, Residence Not Provided;  
Satoshi Urano, Residence Not Provided;  
Manabu Yoshioka, Residence Not Provided;

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MAR 11 2002

Domestic Priority data as claimed by applicant

## Foreign Applications

JAPAN 2000-135548 05/09/2000

If Required, Foreign Filing License Granted 06/23/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

## Title

Top coating composition

Exhibit B

SHANKS & HERBERT TRANSPOTMAC PLAZA 1033 NORTH FAIRFAX STREET SUITE 306 ALEXANDRIA, VA 22314		11274
GRAND BANK		
5/9/2001		
65-171550		
PAY TO THE <u>USPTO</u> ORDER OF <u>USPTO</u>	**710.00	\$
Seventy One Hundred Ten and 00/100		DOLLARS
		<small>Signature required Notarized Date: 5/9/01</small>
MEMO: For filing 0261-0008	<i>Shane A. Herbst</i>	
11274 105500 17111		100 20276

SHANKS & HERBERT 11274  
USPTO 5/9/2001  
710.00

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MAR 11 2002

PATENT OFFICE

Grand Bank Checking For filing 0261-0008 710.00

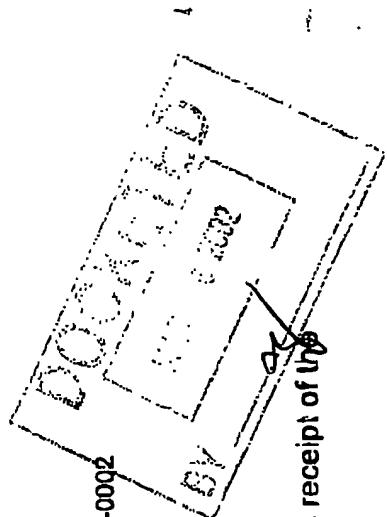
Applicant: Je-Von Kim  
App. Serial No: 09/613,420  
Filed: July 10, 2000

For: Safety Knock-Type Writing Utensil

Docket No.: 0108-0002  
By: Toni-Juneil  
Herbert/km

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following:

1. Transmittal letter to the USPTO;
2. Resubmission of Petition to Accept Late Payment of Issue Fee and Revive Abandoned Application;
3. 1 copy of Status Request documents previously filed with the USPTO;
4. 1 copy of Petition to Accept Delay Payment of Issue Fee documents previously filed with the USPTO;
5. 1 copy of Submission of Formal Drawings previously filed with the USPTO;
6. 1 copy of Formal drawings previously filed with the USPTO; *and P E*
7. 1 return postcard



FAX RECEIVED

MAR 11 2002

UNITED STATES PATENT & TRADEMARK OFFICE  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 11-1-02 2 Serial/Patent # 09/851,983

3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
Filing			\$
Amendment			\$
Extension of Time			\$
Notice of Appeal/Appeal			\$
Petition			\$
Issue			\$
Cert of Correction/Terminal Disc.			\$
Maintenance			\$
Assignment			\$
216 Other	6	3-11-02	\$ 20-

10 REASON:	7 TOTAL AMOUNT OF REFUND	\$
<input checked="" type="checkbox"/> Overpayment	8 TO BE REFUNDED BY:	
<input type="checkbox"/> Duplicate Payment	Treasury Check	
No Fee Due (Explanation):	<input checked="" type="checkbox"/> Credit Deposit A/C #:	
	, 50 -- 0622	

11 REFUND REQUESTED BY:	TYPED/PRINTED NAME: <u>D WOOD</u>	TITLE: <u>PCT ATTY</u>
SIGNATURE: <u>DM</u>		PHONE: <u>308-6918</u>
OFFICE: <u>PETITIONS</u>	*****	
THIS SPACE RESERVED FOR FINANCE USE ONLY:		
APPROVED: <u>Alma Kelley</u>	DATE: <u>5-21-02</u>	

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance  
Refund Branch  
Crystal Park One, Room 802B